



The Town of Barnstable

Town Council

367 Main Street, Village of Hyannis MA 02601

508-862-4602 • Fax 508-862-4770

email: Council@town.barnstable.ma.us

www.town.barnstable.ma.us

TOWN COUNCIL AGENDA

April 26, 2007

7:00 PM

Councilors:

Janet S. Joakim
President

Gary R. Brown
Vice President

Richard G. Barry
Janice L. Barton
Ann A. Canedy
Frederick Chirigotis
James H. Crocker, Jr.
Leah C. Curtis
Henry C. Farnham
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
Harold E. Tobey

Administrator:
Donald M. Grissom

Town Council
Secretary:
Cheryl A. Phillips

1. **ROLL CALL**
 2. **PLEDGE OF ALLEGIANCE**
 3. **MOMENT OF SILENCE**
 - **BARNSTABLE LAND TRUST PRESENTATION**
 4. **PUBLIC COMMENT (May be limited to 2 minutes)**
 5. **COUNCIL RESPONSE TO PUBLIC COMMENT**
 6. **ACT ON MINUTES**
 7. **COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
 8. **ORDERS OF THE DAY**
 - A. **OLD BUSINESS**
 - B. **NEW BUSINESS**
 9. **TOWN MANAGER COMMUNICATIONS**
 10. **ADJOURNMENT**
- NEXT MEETING MAY 3RD.**
-

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Minutes of Barnstable Town Council Meeting of April 5, 2007.

Please Note: It is possible, if it so votes, the Council may go into executive session. The council may act on items in a different order than they appear on this agenda

A. OLD BUSINESS (May Be Acted Upon) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

2007-083 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE TO EXTEND THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT

INTRO.: 02/15/07; 03/01/07; 03/15/07; 04/05/07; 04/26/07

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:

ORDERED: That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by extending the boundary of the Hyannis Gateway (HG) zoning district within the Hyannis Village Zoning Districts as shown on maps on file with the Town Clerk entitled “Zoning Map of the Town of Barnstable, Massachusetts, Index Map”, and “Sheet 3 of 7, Hyannis”, both maps notated “Proposed Amendment to Modify the HG and RB Zones in Hyannis File Copy Date February 5, 2007” and as shown on “Downtown Hyannis Rezoning Illustration Map Proposed Amendment to Modify the HG and RB Zones in Hyannis” dated 2/6/2007.

SPONSOR: Town Council Vice President Gary R. Brown

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-083
INTRO.: 02/01/07**

TO: Town Council
FROM: Town Councilor Gary Brown
DATE: February 6, 2007
SUBJECT: To see if the town council will vote to amend the zoning ordinance to extend the boundary of the Hyannis Gateway Zoning District

RATIONALE: The following amendments have been identified for adoption within the Hyannis Village Zoning Districts.

The first involves a zoning map amendment to include two small existing lots in the Hyannis Gateway (HG) District. The lots proposed for inclusion in the HG District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the HG District.

The current line as it exists in relationship to the properties assumes the development of the road called Washington Avenue Extension, designated on Town maps in 1957. Although developed as a road on the other side of Charles Street, this tiny end of it, now referred to as the butt, was never actually created into a road, and the land parceled as lots with addresses on Washington Ave. Ext. and other proposed lots, 36 Pine Court, and 65 Washington Ave. Ext. by the current arbitrary zoning are rendered completely useless.

The required building specs for developing new residences have changed, making it impossible to ever develop these lots into houses, since there is no room for septic installations. Remaining zoned as residential, but in fact surrounded by and essentially extensions of commercial property, the owner's hands are tied.

The third lot in question, 37 Pine Court, has been assimilated into the back yard of 72 Grove Street. It is surrounded by commercial use, and would be more valuable if it were possible to make it available for that use.

**A. OLD BUSINESS (Public Hearing Continued May Be Acted Upon)
(Roll Call 2/3)**

BARNSTABLE TOWN COUNCIL

**2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF CRITICAL
PLANNING CONCERN (PVDCPC)
INTRO.: 03/15/07; 04/05/07; 04/26/07**

**“NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE
MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

ORDERED:

SECTION 1

That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by creating a new zoning district known as R-2C which covers the area shown on a reference map entitled “Proposed Pond Village DCPCs 1 and 2, Draft Map” and described as follows: the northerly boundary is Cape Cod Bay/Barnstable Harbor; the easterly boundary includes those parcels on the east side of Scudder Lane; the southerly boundary includes those parcels on the south side of Rte. 6A from the Scudder Lane intersection to the Railroad Overpass; and the westerly boundary follows the property line of the so-called Blair parcel up to the Mass Audubon parcels to Barnstable Harbor.

SECTION 2

That Chapter 240, Article III of the Zoning Ordinance is hereby amended as follows by adding a new Section 240-12, Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC) R-2C. Pond Village is located north of Route 6A in the vicinity of Scudder Lane, Calves Pasture Lane and Hinckley Pond. The district includes those parcels on the easterly side of Scudder Lane and on the southerly side of Rte. 6A from the Railroad Overpass to the Scudder Lane intersection. The purpose of this ordinance is to allow more appropriate land use development to preserve and contribute to the historic, agricultural and/or maritime character of the Pond Village Neighborhood. The ordinance enables the review of development as it relates to pedestrian access and outdoor public spaces to the waterfront and /or pondfront. This ordinance is intended to be used in conjunction with other regulations already adopted by the town, including historic district regulations, site plan review and other local ordinances designed to encourage appropriate land use and environmental protection.

**Section 240-12. Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC)
R-2C**

- A. Principal permitted uses. The following uses are permitted in the R-2C District:
 - (1) Single-family residential dwelling (detached).
- B. Accessory uses. The following uses are permitted as accessory uses in the R-2C District:
 - (1) Family apartments (see section 240-47.1).
 - (2) Keeping, stabling and maintenance of horses subject to the provisions of Section 240-11B(2).
 - (3) Home occupation (see Section 240-46).
 - (4) Renting of rooms to not more than three non-family members by the family residing in a single-family residence.
- C. Special permit granting authority and special permit criteria. Within the R-2C District, the Planning Board shall be the special permit granting authority. The Planning Board shall follow the criteria and procedures set forth in § 240-125C of the Barnstable Zoning Ordinance when acting on a special permit application. In addition to the criteria set forth in § 240-125, the Planning Board shall find that the issuance of the special permit is consistent with one or more of the following criteria:

BARNSTABLE TOWN COUNCIL
2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF
CRITICAL PLANNING CONCERN (PVDCPC)(Continued)
INTRO.: 03/15/07

- (1) The development maintains or improves pedestrian access and/or outdoor public spaces specifically to any one of the following: Audubon parcels, Hinckley Pond, and Scudder Lane Landing;
 - (2) The development contributes to the historic, agricultural and/or maritime character of the Pond Village area;
 - (3) The development eliminates or minimizes curb cuts and driveways on Scudder Lane, Calves Pasture Lane, and Sheperds Way;
 - (4) The development provides or preserves views from public ways and spaces to the waterfront and/or pondfront and provides or preserves public access to the waterfront and/or pondfront;
 - (5) The development is consistent with the findings of the PVDCPC.
- D. Special permit uses. The following uses are permitted as special permit uses in the R-2C District provided that a special permit is first obtained from the Planning Board:
- (1) Keeping, stabling and maintenance of horses in excess of the density provisions of 240-11B(2)(b) herein, either on the same lot or adjacent lot as the principal building to which such use is accessory.
 - (2) Windmills and other devices for the conversion of wind energy to electrical or mechanical energy but only as an accessory use. (See *new proposed* Section 240-44.1)
 - (3) Open Space Residential Developments. (See Section 240-17)
- E. Dimensional relief. Within the R-2C District, the SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, floor area ratio limits, when such relief is necessary to ensure that a proposed development is consistent with the PVDCPC findings and Special Permit Criteria.
- F. Bulk regulations:
- | | |
|--|--------|
| Minimum lot area, contiguous upland (square feet) | 87,120 |
| Minimum lot frontage (feet) | 125 |
| Minimum <i>road layout setback</i> (feet) | 50 |
| Minimum <i>property line setback</i> (feet) | 20 |
| Minimum wetland <i>setback</i> (feet) | 50 |
| (except 100 feet from Hinckley’s Pond and the edge of the Coastal Bank along Barnstable Harbor) | |
| Maximum <i>building height</i> in feet | 30 |
| Maximum building height in stories | 3 |
| (Provided that at least one of the allowable stories is either the basement or a <i>habitable attic</i> .) | |
| Floor Area Ratio (FAR): | .06 |
- G. Grandfathering. Within the R-2C District, any lot that met the minimum lot area and minimum lot frontage requirements of the RF-1 or RF-2 Districts respectively, prior to the effective date of the Pond Village DCPC nomination of August 26, 2005 as specified in the Cape Cod Commission Acceptance Decision dated September 15, 2005 shall not be subject to R-2C minimum lot area or minimum lot frontage requirements as specified above in subsection F, but shall be subject to the minimum road layout setback, minimum property line setback, minimum wetland setback, maximum building height, maximum building height in stories, and floor area ratio.

BARNSTABLE TOWN COUNCIL
2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF
CRITICAL PLANNING CONCERN (PVDCCPC) (Continued)
INTRO.: 03/15/07

H. Definitions

Building Height: The vertical distance from the *grade plane* to the average height of the *highest roof plane*.

FAR (floor area ratio): FAR is measured by dividing the gross floor area of all stories above grade of all buildings on site by the total lot area, all upland, including any restricted or unrestricted upland. This shall not limit a single building or the aggregate of multiple buildings on any lot to less than 2000 gross square feet.

Grade Plane: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. The reference plane shall be established by using the lowest points of grade within the area between the building and a point six feet from the building.

Habitable Attic: The *habitable space* between the rafters of a pitched roof and the floor next below.

Highest Roof Plane: The roof plane having the highest ridge and having the highest average height (exclusive of cupolas or spires) or the flat roof that is higher than any pitched roof.

Property Line Setback: The perpendicular distance between any property line (other than the property line abutting a road layout) and a line running parallel to that property line.

Road Layout Setback: The perpendicular distance between the road layout and a line running parallel to the road layout.

Setback: The area between a road layout or property line and the setback line where no building or structure is allowed except:

1. Accessories such as arbors, garden trellises or clothes poles;
2. Roof eaves projecting not more than 3 feet;
3. Chimneys, window sills, belt courses, rain leaders and similar architectural features projecting not more than 2 feet;
4. Steps and stoops less than 18" in height and 25 square feet in area.

Story: That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade: Any *story* having its finished floor surface entirely above grade except that a basement shall be considered a *story above grade* where the finished surface of the floor above the basement is:

1. More than four feet above the *grade plane*;
2. More than four feet above the finished ground level for more than 50% of the total building perimeter; or
3. More than eight feet above the finished ground level at any point."

SPONSOR: Ann B. Canedy, Precinct 1 Town Councilor

DATE

ACTION TAKEN

Read item Motion to open public hearing Rationale Public hearing
 Close public hearing Council discussion move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-101**

INTRO.: 03/15/07

TO: Town Council
FROM: Ann Canedy, Precinct 1 Town Councilor
DATE: March 5, 2007
SUBJECT: Zoning Ordinance for Pond Village District of Critical Planning Concern (PVDCPC)

BACKGROUND: Pond Village is adjacent to West Barnstable and shares similar topographical characteristics with West Barnstable. However, when the entire town went to two acre lots under the Town wide DCPC several years ago, Barnstable Village (like Hyannis) remained at one acre zoning. As a result, Barnstable Village, especially the Pond Village area, has been subjected to increased and rapid development pressure. Additionally, there was increased evidence of degradation of Hinckley Pond which lies in the center of this neighborhood and increased frequency of closings because of nitrogen loading and high bacteria counts at the Scudder Landing, a site for recreational and commercial fishing. Several permanent residents of Pond Village became concerned about the future of this rural area. At the request of these residents, a neighborhood meeting was held on June 28, 2004 to discuss ways they could protect their neighborhood.

The Pond Village residents wanted to take a comprehensive look at their neighborhood since rules and regulations were seemingly being applied piecemeal. For example the OKH has some limited and largely subjective authority on individual parcels in the area but only if those parcels are in front of them. Zoning only speaks to minimum setbacks and not to building envelopes. There is no protection of view sheds. There is no drainage requirements on or proposed improvements to the private ways leading to the properties being developed. It became apparent to the neighborhood that the existing standards in effect in the area were not going to protect the cultural, historical, environmental and aesthetic environs that made this area unique. One acre lot size, 20' frontage, 30' front yard setback and 15' side/rear yard setback with no lot coverage provided for large unrestrained building envelopes and spec building and development was encroaching into the coastal embankment and pond frontage.

The Pond Village residents saw a DCPC designation as a tool to stop the immediate and rapid development pressure and allow a comprehensive and thoughtful review of land use in this area. The residents elected to hire the environmental engineering firm Horsley & Witten to draft a DCPC nomination for the neighborhood to present to the Planning Board, as a natural conduit to formulating and suggesting zoning changes.

The Planning Board held several public hearings beginning on March 14, and ending on May 9, 2005. It should be noted that a public hearing is not required by the DCPC regs but public input was actively sought. The Planning Board ultimately directed the town planner to prepare a document for review at the May 23, 2005 Planning Board meeting where the document was amended and a final version presented to the Planning Board on June 6, 2005 which was then forwarded to the Cape Cod Commission (CCC).

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY (Continued)
2007-101
INTRO.: 03/15/07

The CCC accepted both the original and revised nominations on September 26, 2005. The Commission voted to approve a decision on the approval of the nominations on October 31, 2005 and approved the DCPC on January 18, 2006. All of these votes were done at public hearings noticed in the local newspapers and were attended by numerous Pond Village residents. While not required to notify abutters, efforts were made to “spread the word” about these public hearings.

Beginning in February 2006 ,CCC staff along with Planning Department Staff and interested residents of Pond Village met informally to establish how the actual crafting of the proposed land use controls outlined in the approved CCC/County Commission decisions could be completed. It was determined that a “Steering Committee” would need to be established that was small enough to actually get work done but broad enough to represent all interests in the area. Members of the public who were for and some who were skeptical and even against the designation were placed on this Committee.

The initial meeting of the “Steering Committee” was March 6, 2006. At that meeting it was decided to keep all Pond Village residents informed of all steering committee meetings via email/direct mailings. Steering Committee meetings were scheduled for the first and third Mondays of each month at the Growth Management Offices at 200 Main Street, Hyannis. Minutes have been kept and were attached to each agenda notice sent out to over 50 neighborhood residents and interested parties.

The regs that have been promulgated are the result of many months of work, many drafts, input from many residents, a neighborhood meeting, input from experts and compromise.

The Steering Committee proposes to continue its work beyond the proposal of this zoning ordinance in the areas of boardwalks and piers, conservation and health issues, the remediation of Hinckley Pond, repair of Route 6A and other issues related to this area.

FISCAL IMPACT: The proposed zoning regulations will positively influence property values which translates into additional property tax revenue and encourages smart growth in the community.

BOARD/COMMITTEE/STAFF ASSISTANCE: Pond Village Steering Committee, Planning Board

A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-105 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE
GENERAL ORDINANCE TO EXTEND THE BOUNDARY OF
THE HYANNIS REGULATORY AGREEMENT DISTRICT
INTRO.: 03/15/07; 04/05/07; 04/26/07**

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE
MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

ORDERED:

SECTION 1

That Chapter 168, Regulatory Agreement Ordinance, is amended by extending the boundary of the Hyannis Regulatory Agreement District as shown on a map on file with the Town Clerk entitled "Hyannis Regulatory Agreement District Map", dated August 30, 2005, by amending said map as shown on the map entitled "Proposed Amendment Within HG and IND Zone Hyannis Regulatory Agreement District Map", dated 3/9/2007 and as further depicted on a map entitled "Illustration Map for Proposed Amendment Within HG and IND Zone Hyannis Regulatory Agreement District Map", dated 3/9/07.

SECTION 2

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1.A and inserting in place thereof the following:

It is the purpose and intent of this chapter to enable the Town of Barnstable to enter into development agreements (hereinafter "regulatory agreements") in the areas delineated on the attached map, dated March 9, 2007, entitled "Hyannis Regulatory Agreement District."

SECTION 3

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1.A.B and inserting in place thereof the following:

This chapter shall apply within the Hyannis Regulatory Agreement District, shown on the attached map.

SPONSOR: Town Councilor Harold Tobey

DATE	ACTION TAKEN
_____	_____

- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-105
INTRO.: 3/15/07**

TO: Town Council
FROM: Town Councilor Harold Tobey
DATE: March 9, 2007
SUBJECT: Amendment to Hyannis Regulatory Agreement District

BACKGROUND/ANALYSIS/RATIONALE: The following amendment has been identified for adoption:

This involves a map amendment to the area within which the Town may enter into Regulatory Agreements to include:

- (1) two small, existing lots that were recently added to the Hyannis Gateway (HG) District. The lots proposed for inclusion in the Hyannis Regulatory Agreement District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the Hyannis Regulatory Agreement District; and
- (2) approximately 24.21 acres located in the IND Zoning District and more specifically identified as Map 314, Parcels 044 through 049; Map 314, Parcels 036 through 038; and Map 315, Parcel 042.

FISCAL IMPACT: There is no fiscal impact.

STAFF ASSISTANCE: Patricia Daley, Director of Comprehensive Planning and Tom Broadrick, Director of Regulatory Review

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

**2007-114 STRIKING SECTION RELATIVE TO LAUNCHING OF JET
SKIS FROM BOAT RAMP ON SHOOT FLYING HILL ROAD
INTRO.: 04/05/07; 04/26/07**

ORDERED,

That Item 2007-012, as adopted by the Council on August 17, 2006, is hereby amended by striking out section 2.

SPONSORS: Gary R. Brown, Town Council Vice President and Tom Rugo Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-114
INTRO.: 04/05/07**

TO: Town Council
FROM: Robert Smith, Town Attorney
DATE: March 27, 2007
SUBJECT: Striking Section Relative to Launching of Jet Skis From Boat Ramp
On Shoot Flying Hill Road

RATIONALE: The Legal Division of the Massachusetts Waterways Access Board has opined that their approval of the Town's local ordinance restricting launching of jet skis from the Town boat ramp on Shoot Flying Hill Road, is not legally required. Therefore, this amendment is a corrective amendment which eliminates a requirement calling for that approval.

A. OLD BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

**2007-115 ORDER AUTHORIZING RESTRICTION OF INTEREST IN THE
CREATION OF GOLF COURSE OR ATHLETIC FIELD WITHIN
THE WILLIAM AND HILMA DANFORTH RECREATION AREA
(DANFORTH PROPERTY) ASSESSORS MAP /PARCEL 84/2,
83/7, 104/2
INTRO.: 04/05/07; 04/26/07**

ORDERED: the Town Manager is authorized to restrict by means of recorded or other instruments any interest in the creation of golf, athletic field and motorized vehicle recreational improvements in areas outside of the envelope shown on the attached sketch plan of property purchased by the Town on November 4, 2003 under the provisions of the Cape Cod Open Space Land Acquisition Program, more commonly known as the Land Bank, depicted on Assessors Maps/Parcels 84/2, 83/7 and 104/2, and to execute, deliver and record any deeds or other instruments pursuant to this authorization. No grant of any interest or right is authorized and no other interest purchased under the Land Bank is affected or restricted by this order or any instrument pursuant to it.

SPONSORS: Town Councilors Leah Curtis, Henry Farnham and Janice Barton

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-115
INTRO.: 04/05/07**

TO: Town Council
FROM: Town Councilors Leah Curtis, Henry Farnham, and Janice Barton
DATE: March 29, 2007
RE: The Danforth Recreation Area Dedication for Certain Purposes

RATIONALE: The Danforth Recreation Area having significant wildlife and conservation values is worthy of additional protection in order to maintain those values. To maintain those interests certain activities on the property are proposed to be restricted in certain areas. The intent is to define the uses that are inconsistent and potentially in conflict with the purposes under the Land Bank Act that the property was purchased for. Those uses include for example active recreation activities that would harm important wildlife habitat and thus endanger the animals and plants that live in those areas.

**A. OLD BUSINESS (Public Hearing Continued May Be Acted Upon)
(Roll Calls)**

BARNSTABLE TOWN COUNCIL

<p>2007-090 THROUGH 2007-099 CAPITAL IMPROVEMENT PLAN BUDGET APPROPRIATIONS INTRO.: 03/15/07; 04/05/07; 04/26/07</p>

2007-090 APPROPRIATION ORDER

Marina Enterprise Fund Reserve Capital Improvement Plan

ORDERED: That the sum of **\$60,000** be appropriated for the purpose of funding the design and permitting of a replacement for the existing 443 lineal feet of wooden bulkhead along the eastern and southern sides of the Barnstable Harbor Marina as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, **\$60,000** be transferred from available funds within the Marina Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

2007-091 APPROPRIATION AND LOAN ORDER (ROLL CALL 2/3 VOTE)

Sewer Enterprise Fund Capital Improvement Plan

ORDERED: That the sum of **\$570,000** be appropriated for the purpose of funding the purchase and installation of a replacement generator used to supply emergency power at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$570,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-092 APPROPRIATION ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close Public hearing
- Council discussion
- Move/vote

2007-093 APPROPRIATION AND LOAN ORDER (ROLL CALL 2/3 VOTE)

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$275,000** be appropriated for the purpose of funding the following update and enhancement of the Town's Geographic Information System(GIS): (1) an update of the system's base maps by conducting an aerial photo flyover of the Town in the spring of 2008; and (2) to enhance the system by conducting a LiDAR (Light Detection and Ranging) aerial survey necessary to developing a town-wide digital terrain model and creating new town-wide contour mapping as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$275,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close Public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-094 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the construction of sidewalks along town-owned roads as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

2007-095 APPROPRIATION AND LOAN ORDER (ROLL CALL 2/3 VOTE)

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$297,000** be appropriated for the purpose of funding the following improvements to Municipal buildings: (1) renovation of Joshua's Pond Beach House and the design of a new or renovated Craigville Beach House; and (2) health and safety improvements to Barnstable Town Hall including upgrades to the 4th floor air-conditioning system, insulating chilled water piping and repairs to the elevator as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$297,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07**

2007-096 APPROPRIATION AND LOAN ORDER (ROLL CALL 2/3 VOTE)

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding an on-going program to improve coastal water quality by addressing road runoff and road related water quality problems affecting coastal waters as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

2007-097 APPROPRIATION AND LOAN ORDER (ROLL CALL 2/3 VOTE)

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the following improvements to the town's lakes and ponds: (1) reestablish a permanent connection from Rushy Marsh Pond in Cotuit to Nantucket Sound; (2) dredging design and permitting of Mill Pond in Marstons Mills to restore the ecology of the pond that will result eventually in limiting the nutrient enrichment of the Three Bays; and (3) design and permitting of an alum treatment to Mystic Lake in Marstons Mills to confine sediment nutrients as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-117 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
HISTORIC PRESERVATION
INTRO.: 04/05/07; 04/26/07**

ORDERED: that, pursuant to the provisions of G. L. c. 44B, the sum of Twenty Thousand and No/100 (\$20,000.00) Dollars be appropriated and transferred from the amount set aside for Historic Preservation in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; that the Growth Management Department is authorized to contract for and expend the amount of (\$20,000.00) for the purpose of preserving the historic Barnstable Patriot newspaper by digitizing ancient copies.

SPONSOR: Ann Canedy and Town Manager upon recommendation of the Community Preservation Committee

DATE

ACTION TAKEN

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-117
INTRO.: 04/05/07

TO: Town Council
FROM: Community Preservation Committee
DATE: April 5, 2007
SUBJECT: Rationale for the preservation of the Barnstable Patriot Newspaper

BACKGROUND: The Community Preservation Committee (CPC) met on March 20, 2007 and has recommended that the town support the funding request of \$20,000.00 from the Sturgis Library to digitize historic copies of the Barnstable Patriot Newspaper.

RATIONALE: The project goal is to digitize the first 100-150 years of the Barnstable Patriot, an important historic newspaper covering both the town and county of Barnstable. The first issue of the Barnstable Patriot was published on June 26, 1830, making it the oldest continuous uninterrupted publication in Barnstable County. The Sturgis Library owns one of the only complete sets of all issues of the Barnstable Patriot, both in print and on microfilm.

The project includes producing copies of the microfilm, scanning and digitization of the newspaper from the microfilm, indexing and conversion of the newspaper, promotion of the complete project and finally publicizing the project. The digitization project will enable Sturgis Library to offer complete online access to the newspaper for researchers at home and in the library. The newspaper is an essential resource for researchers, and is used by genealogists, maritime researchers, historians, authors, teachers, students and many others.

The projected cost to digitize 100-150 years of the Barnstable Patriot will be approximately \$60,000-\$80,000 in total. Funds have already been secured from the LSTA Federal Grant and the Lothrop Family Foundation in the amount of \$42,500.00. Additional potential funding sources include the Cape Cod Foundation, the Kirkman Fund, and the Barnstable Patriot publishers and business partners. The request of \$20,000 from the Community Preservation Committee meets specific funding criteria.

B. NEW BUSINESS (To Be Referred To Public Hearing May 3rd)

BARNSTABLE TOWN COUNCIL

**2007-118 ORDINANCE FOR WAIVER OF FEES FOR CONSTRUCTION
WORK ON THE HYANNIS YOUTH AND COMMUNITY CENTER
INTRO: 04/26/07**

ORDERED: Notwithstanding the provisions of any other ordinance of the Town regarding Schedules of Fees, the Hyannis Youth and Community Center construction project shall hereby be exempt from payment of such fees.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-118
INTRO.: 04/26/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director
DATE: April 22, 2007
SUBJECT: Hyannis Youth and Community Center Waiver of Fees for Construction Work

BACKGROUND: In the planning and design for the construction of the new Hyannis Youth & Community Center, and in the budgets presented to the Town Council for completion of the project, no provision was made for the payment of any municipal fees that may be required for this construction project. In the collective experience of staff members, the architect, and others directly associated with the project, the prior experience had been that all such fees were waived for municipal projects. As a consequence no provision was made for the rather costly fees associated with a construction project of this magnitude. For example, the largest such fee is the new building permit fee of \$8.10 per \$1,000 of construction value. The current estimated construction value for the project is \$16,000,000.00. The associated building permit fee for that size project is \$129,600.00. If this fee and other associated construction fees are not waived, significant portions of the proposed project will have to be either reduced or eliminated in order to stay within available funds for construction.

ANALYSIS: The aspects of this request for fee waiver have been vetted with the Building Commissioner, who has agreed with this request to the extent that the normal inspection services to be used on this project, and such related costs as may be necessary, may be covered with existing funds. If the Building Commissioner is required to hire inspectors with special expertise to inspect various aspects of the project, the project will pay for the special expertise needed for that inspection.

FISCAL IMPACT: It is anticipated that adoption of this order would have a neutral fiscal impact.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends that the Town Council approve the action proposed by this order.

BOARD AND COMMISSION ACTION: N/A

STAFF ASSISTANCE: Roland W. Breault, Jr., Assistant Director, DPW

B. NEW BUSINESS (To Be Referred To Public Hearing May 17th) (Roll Calls)

BARNSTABLE TOWN COUNCIL

**2007-119 THROUGH 2007-136 FY 08 OPERATING BUDGET APPROPRIATION
ORDERS
INTRO.: 04/26/07**

2007-119 APPROPRIATION ORDER

Police Department

ORDERED: That the sum of **\$11,274,289** be raised and appropriated for the purpose of funding the Town's FY 2008 **Police Department** budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager John Klimm

DATE

ACTION TAKEN

Read item

Motion to open public hearing

Rationale

Public hearing

Close Public hearing; Council discussion; Move/vote

2007-120 APPROPRIATION ORDER

Barnstable Municipal Airport Enterprise Fund

ORDERED: That the sum of **\$6,354,084** be appropriated for the purpose of funding the Town's FY 2008 **Airport Enterprise Fund** budget, and to meet such appropriation that **\$6,354,084** be raised from current year revenues by the airport as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager John Klimm

DATE

ACTION TAKEN

Read item

Motion to open public hearing

Rationale

Public hearing; Close Public hearing; Council discussion; Move/vote

2007-121 APPROPRIATION ORDER

Education

ORDERED: That the following sums be raised and appropriated for the purpose of funding the Town's FY 2008 **Education** budget as presented to the Town Council by the Town Manager:

\$58,643,939 for the purpose of funding the **Local School System**;

\$2,754,995 for the purpose of funding the **Regional School District Assessment**;

\$1,652,154 for the purpose of funding the **Sturgis Commonwealth Charter School and**

School Choice Assessments

SPONSOR: Town Manager John Klimm

DATE

ACTION TAKEN

Read item; Motion to open public hearing; Rationale;

Public hearing; Close Public hearing; Council discussion; Move/vote

**BARNSTABLE TOWN COUNCIL
2007-119 THROUGH 2007-136 FY 08 OPERATING BUDGET
APPROPRIATION ORDERS (Continued)
INTRO.: 04/26/07**

2007-125 APPROPRIATION ORDER

Department of Public Works Water Supply Enterprise Fund

ORDERED:

That the sum of **\$2,599,684** be appropriated for the purpose of funding the Town's FY 2008 **Department of Public Works Water Supply Enterprise Fund** budget as presented to the Town Council by the Town Manager, and to meet such appropriation that **\$2,599,684** be raised from current year revenues by the water supply operations.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
<input type="checkbox"/> Read item	
<input type="checkbox"/> Motion to open public hearing	
<input type="checkbox"/> Rationale	
<input type="checkbox"/> Public hearing	
<input type="checkbox"/> Close Public hearing	
<input type="checkbox"/> Council discussion	
<input type="checkbox"/> Move/vote	

2007-126 APPROPRIATION ORDER

Regulatory Services Department

ORDERED:

That the sum of **\$2,242,062** be raised and appropriated for the purpose of funding the Town's FY 2008 **Regulatory Services Department** budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
<input type="checkbox"/> Read item	
<input type="checkbox"/> Motion to open public hearing	
<input type="checkbox"/> Rationale	
<input type="checkbox"/> Public hearing	
<input type="checkbox"/> Close Public hearing; <input type="checkbox"/> Council discussion; <input type="checkbox"/> Move/vote	

2007-127 APPROPRIATION ORDER

Community Services Department General Fund Budget

ORDERED:

That the sum of **\$2,554,536** be raised and appropriated for the purpose of funding the Town's FY 2008 **Community Services Department** Budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
<input type="checkbox"/> Read item	
<input type="checkbox"/> Motion to open public hearing; <input type="checkbox"/> Rationale; <input type="checkbox"/> Public hearing	
<input type="checkbox"/> Close Public hearing; <input type="checkbox"/> Council discussion; <input type="checkbox"/> Move/vote	

**BARNSTABLE TOWN COUNCIL
2007-119 THROUGH 2007-136 FY 08 OPERATING BUDGET
APPROPRIATION ORDERS (Continued)
INTRO.: 04/26/07**

2007-134 APPROPRIATION ORDER

Administrative Services Department

ORDERED: That the sum of **\$5,320,798** be raised and appropriated for the purpose of funding the Town's FY 2008 **Administrative Services Department** budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close Public hearing
- Council discussion
- Move/vote

2007-135 APPROPRIATION ORDER

Other Requirements

ORDERED: 1) That the sum of **\$24,668,956** be raised and appropriated for funding the Town's FY 2008 **Other Requirements** Budget as presented to the Town Council by the Town Manager;

2) And that the following sums be transferred from the Town's Enterprise Accounts for the purpose of funding Administrative Costs within the General Fund:

Water Pollution:	\$503,239
Solid Waste:	\$312,567
Water:	\$112,358
Airport:	\$499,173
Golf Course:	\$175,000
Marinas:	\$34,232
Sandy Neck:	\$43,704

3) And further, that the sum of **\$391,500** be transferred and appropriated from the **Pension Reserve Account** for the purpose of funding the Town's annual pension appropriation obligation under the provisions of Chapter 32, Section 22D;

4) And further, that the sum of:
\$32,000 be transferred from the Bismore Park Account
\$35,000 be transferred from the Wetlands Protection Account
\$45,535 be transferred from the Adult Social Day Revolving Fund
\$68,000 be transferred from the Exelon Lawsuit Settlement Special Revenue Account
\$109,180 be transferred from the Mooring Fee Special Revenue Account, and,
\$5,782,631 be transferred from the General Fund Savings Account
all for the purpose of funding the Town's FY 2008 general fund budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close Public hearing
- Council discussion; Move/vote

BARNSTABLE TOWN COUNCIL
2007-119 THROUGH 2007-136 FY 08 OPERATING BUDGET
APPROPRIATION ORDERS (Continued)
INTRO.: 04/26/07

2007-136 REVOLVING FUNDS AUTHORIZATION ORDER

ORDERED: Pursuant to Chapter II, Article XVIII-A, Section 3 of the General Ordinances, the Town Council hereby authorizes the following revolving funds for FY 2008:

Fund	Revenue Source	Dept Officer Auth. To Expend Funds	Use of Fund	Total Expenditure Limit FY 2008
Classroom Education Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$35,000
Adult Social Day Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$150,000
Recreation Program Fund	Program registration fees	Recreation Director	Salaries, benefits, expenses, contract services to operate program	\$450,000
Shellfish Propagation Fund	Fees from permits	Natural Resources Director	Salaries, benefits, expenses, contract services, shellfish equipment to operate program	\$100,000
Building Inspections Fund	Fees from permits for municipal & private projects	Building Commissioner	Salaries, benefits, expenses, contract services to operate program	\$150,000
Consumer Protection Fund	Fees from weights & measures services,	Director Regulatory Services Dept.	Salaries, benefits, expenses, contract services to operate program	\$165,000
Geographic Information Systems Fund	Fees for GIS maps & reports	Information Systems Director	Salaries, benefits, expenses, contract services to operate program	\$20,000
Police Training Fund	Program registration fees	Chief of Police	Salaries, benefits, expenses, contract services to operate program	\$50,000
			Total	\$1,120,000

SPONSOR: Town Manager John Klimm

DATE _____ **ACTION TAKEN** _____

___ Read item

___ Motion to open public hearing

___ Rationale; ___ Public hearing; ___ Close Public hearing; ___ Council discussion; ___ Move/vote

B. NEW BUSINESS (To Be Referred To Public Hearing May 3rd)

BARNSTABLE TOWN COUNCIL

**2007-137 TOWN CHARTER AMENDMENT TO CHANGE TOWN COLLECTOR POSITION TO APPOINTED POSITION FROM ELECTED POSITION
INTRO.: 04/26/07**

ORDERED: that a question to ascertain the will of the voters of the town with respect to the following charter amendment be placed on the ballot at the biennial town election to be held on Tuesday, November 6, 2007:

A CHARTER AMENDMENT PROVIDING FOR MAKING CERTAIN CHANGES IN THE ADMINISTRATION OF THE TAX COLLECTION FUNCTION.

SECTION 1. The Barnstable Home Rule Charter, adopted on April 11, 1989, is hereby amended as follows:

1. by striking out, after the words "town clerk" in section 3-1, the words "town collector";
2. by striking out section 3-5;
3. by changing the number and title of "Section 3 – 6. Housing Authority.", to "Section 3 – 5. Housing Authority.";
4. by changing the number and title of "Section 3 – 7. Filling Vacancies.", to "Section 3 – 6. Filling Vacancies.", and by striking out in said section, the words "or town collector".

SECTION 2. This amendment shall become effective on November 7, 2007. The Town Manager shall, immediately upon its adoption, take steps to amend the administrative code to incorporate the position and functions of the tax collector into the department of administrative services, which amendments and subsequent amendment or modifications pursuant to part V of the charter shall thereupon apply to the position and the incumbent elected at the November 6, 2007 biennial town election. Notwithstanding the foregoing, the said incumbent shall have the right to continue performing the duties and receiving the compensation of the town collector as in effect on November 6, 2007, until December 31, 2008, but said person is hereby charged with a duty of cooperation in effecting a smooth transition to the new structure of the administrative services department to be established by the Town Manager hereunder. The degree of cooperation shall be a factor to be evaluated in determining the suitability of said person for permanent appointment to any position resulting from the administrative code changes provided for in this section.

SPONSOR: Town Councilor Gary Brown

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-137
INTRO.: 04/26/07**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: March 16, 2007
SUBJECT: Town Charter Amendment To Change Town Collector From Elected To Appointed Position

BACKGROUND: Town Collector, Maureen McPhee has chosen to retire in November 2007 and will not seek another 4 year term as the town's elected Town Collector. Her recent decision has prompted a discussion about her position as to whether or not it should be changed to an appointed one. Maureen has served the Town of Barnstable with the highest levels of competency and integrity over the years and it would be in the town's best interest to find someone of her caliber to take over the operation. While qualified individuals may decide to run for this elected office there is no guarantee that it will happen.

ANALYSIS: The financial activity levels and sophistication of processes and equipment used in the Town Collector's office has grown considerably over the past several years. The office bills and collects close to 200,000 bills totaling over \$100 million a year. This includes the Town of Barnstable as well as the five fire districts located within the town. All billing and collecting activity must be maintained by each entity further complicating the office's operation. The town's and fire districts' main revenue source is processed here; therefore, it is critical that the competency level of the operation's manager be sufficient.

The proposal would include making a change to the town's charter that eliminates this elected position and replacing it with an appointed one. A question would be placed on the November 6, 2007 general town election ballot asking the voters in the town if they approve of this change. The change would be effective immediately and the next elected candidate would serve in the appointed position until December 31, 2008. By this date, the Town Manager will have submitted an administrative code change that incorporates this new structure in to the Administrative Services Department. If the voters reject the change then whoever is elected will serve a four year term in accordance with the current charter.

FISCAL IMPACT: The Council must cause a copy of the amendment to be delivered to each residence of one or more registered voters not later than two weeks before the election at which it is to be voted on. The cost of this mailing should not be more than \$4,000.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (FIRST READING, SECOND READING MAY 24TH)

BARNSTABLE TOWN COUNCIL

2007-138 APPOINTMENTS

INTRO.: 04/26/07

That the Barnstable Town Council appoint the following individuals to a multiple member board/committee/commission:

LAND ACQUISITION AND PRESERVATION COMMITTEE APPOINTMENT:

Andrea Lynn Seddon, 280 Willow Street, West Barnstable, MA 02668, term expires 06/30/2009

SANDY NECK ADVISORY BOARD APPOINTMENT:

George Muhlebach, PO Box 350, 150 Millway, Barnstable, MA 02630, term expires 06/30/2009

SPONSORS: Appointments Committee

DATE

ACTION TAKEN

___ Read item

___ Discussion

___ Move/vote

B. NEW BUSINESS (FIRST READING, SECOND READING MAY 3RD)

BARNSTABLE TOWN COUNCIL

**2007-139 HYANNIS YOUTH AND COMMUNITY CENTER UTILITY EASEMENTS
INTRO: 04/26/07**

ORDERED: That the Town Manager be authorized to acquire by purchase or take by eminent domain, for the purpose of providing access and installing utilities, an easement containing 745 square feet, or 0.17 acres, more or less, and being shown on a plan entitled “Plan Showing Proposed Access Easement at #166 Stevens Street: Scale: 1” = 40’, March 9, 2007, in Barnstable (Hyannis) MA, As Made By the D.P.W. Survey Section,” a copy of which plan is on file in the Town Clerk’s office; execute and record any and all necessary documents in relation thereto; and that the Town Manager is authorized to accept any gifts or grants in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-139**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director
DATE: April 22, 2007
SUBJECT: Hyannis Youth and Community Center Utility Easement in Stevens Street, Hyannis

BACKGROUND: In July 2006, an additional \$1,600,000.00 was appropriated in Appropriation and Loan Order 06-009, for the purpose of funding the construction of the Hyannis Youth & Community Center. In order to reduce the cost of utility construction and the length of utility installations to the new Hyannis Youth & Community Center, a small easement is necessary to connect the construction site to the nearest location of most utilities on Stevens Street. The easement will be used to install all utilities with the single exception of sewer connections, which will be connected at Bearses Way.

ANALYSIS: The construction project will be facilitated by the Town acquiring the easement that allows the utilities to be placed in this private property.

FISCAL IMPACT: There is a minor cost to the Town in the taking of this easement as it will be acquired by purchase or eminent domain. Additional costs will be incurred in preparing and filing the easement documents with the Registry of Deeds.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends that the Town Council approve the action proposed by this order.

BOARD AND COMMISSION ACTION: N/A

STAFF ASSISTANCE: Roland W. Breault, Jr., Assistant Director, DPW

B. NEW BUSINESS (SECOND READING)

BARNSTABLE TOWN COUNCIL

2007-140 APPOINTMENT
INTRO.: 04/26/07

That the Barnstable Town Council appoint the following individual to a multiple member board/committee/commission:

WATER POLLUTION CONTROL BOARD APPOINTMENT:

Paul J. Canniff, DMD, 106 Hayes Road, Centerville, MA 02632, term expires 06/30/2009

SPONSORS: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read item

___ Discussion

___ Move/vote